

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

FINAL STATEMENT OF REASONS

On May 23, 2005, the Department of Housing and Community Development (HCD) conducted a public hearing to consider changes to the Mobilehome Parks Act and Special Occupancy Parks Act Regulations. Written comments were received from Milton Burdick, GSMOL Zone C VP, Brea, CA; Jeri McLees, Mobile Devel-Op, Elk Grove, CA; Sheila Dey, Executive Director, WMA, Sacramento, CA; and John Tennyson for Senator Joseph Dunn, Chair, Senate Select Committee on Mobilehome and Manufactured Homes, Sacramento, CA. In addition, Sheila Dey gave oral testimony at the public hearing held on May 23, 2005.

UPDATE OF INITIAL STATEMENT OF REASONS (Incorporated by Reference)

Sections 1002 & 2002 – Health and Safety Code sections 18552 and 18871.3 require the Department of Housing and Community Development (HCD) to adopt regulations governing accessory structures. Further, the California Building Code is the standard that has been adopted for the construction of these accessory structures. In accordance with the definitions contained in sections 1002 and 2002, "stairways" are considered accessory structures.

To clarify a limitation to the overall size of a stairway and to reduce the likelihood of a stairway, utilized for egress, from becoming a series of porches, the term "riser" was deleted to reduce confusion.

Several comments were received indicating additional confusion that the amendment restricted the total height of a stairway. HCD agreed with the comments and further amended the section to clearly indicate that only the "length" of an individual "step" is limited, not the total stairway height.

Additionally, while reviewing the text of these sections, two nonsubstantive changes were made to subsections 1002(f)(8)(I) & (f)(8)(J) and subsections 2002(f)(8)(I) & (f)(8)(J): a printing error which reversed the designation of form numbers HCD 513A & B was corrected and an upper/lower case change of the headings for both forms were made to conform to style.

Sections 1004 & 2004 – No Change

Sections 1018 & 2018 – Health and Safety Code sections 18502 and 18870.2 require HCD to set a schedule of fees for construction within a park. Grading and earthen fills within a park are considered construction. The California Building Code is the adopted reference for construction and grading in parks and that code has provisions for when permits are, and are not, required. The

changes provide that a permit is not required for grading and fills that are exempted by the California Building Code.

A commenter stated that the proposed text suggested the amendment implied any grading required a permit. That was not the intent of the change. HCD agrees with this comment and the sections were amended to only require a permit for fills used as a load bearing surface and to include the exemption contained in the California Building Code that allows general fills less than one foot without a permit.

Section 1019 – Health and Safety Code section 18611 conditionally allows Factory-built Housing to be installed in mobilehome parks. HCD has continually received questions related to the installation of Factory-built Housing in parks. For clarity and the convenience of the general public, this section was added. Because Factory-built Housing is not inspected by the enforcement agency for parks, is not subject to the Mobilehome Parks Act, other than what is contained in section 18611, and once completed is subject to the provisions in State Housing Law, HCD determined that Factory-built Housing should be contained within a separate designated section within a mobilehome park, similar to RV sections within mobilehome parks.

A comment from the affected public considered the designation of a separate section in the park overly restrictive and possibly beyond the scope of the statute. HCD agrees with the comment and will amend the proposed language of this section by removing the reference to a “separate designated section” to “specific lots.” Additionally, HCD realized during the initial 45-day public comment period that the proposed language contained in subsection (b) of this section was superseded by section 19993 of the Health and Safety Code. That section, contained in the California Factory-Built Housing Law, “specifically and entirely” reserves local zoning, snow loads, wind pressure, fire zones, setbacks, yard and development requirements, property line requirements and architectural and aesthetic requirements to local jurisdictions. The proposed section has been amended to reflect this change.

Sections 1020.4 & 2020.4 – No Change

Sections 1104 & 2104 – No Change

Sections 1105 & 2105 – No Change

Sections 1106 & 2106 – No Change

Sections 1110 & 2110 – Health and Safety Code sections 18610 and 18872 require HCD to adopt regulations governing the construction, use, occupancy, and maintenance of parks and lots and to protect the health, safety and general

welfare of the residents. One of the methods of achieving this is limiting the area of a lot occupied by structures to 75 percent of the total lot area.

To clarify the structures to be included in the measurement, HCD proposed amendments explaining that accessory structures already located underneath an awning or carport would not be counted towards the total occupied area.

A comment received suggested a less restrictive amendment not counting structures located under “another accessory structure” and providing examples.

HCD agrees with this less restrictive and clearer proposal and has amended these sections.

Sections 1112 & 2112 – No Change

Sections 1116 & 2116 – Health and Safety Code sections 18610 and 18872 require HCD to adopt regulations governing construction within parks. Grading and earthen fills in parks are considered construction. The intent of subsection (g) of this section is to allow grading and fills that are minor in nature (six inches or less) made with a compacted aggregate, without additional soil compaction tests.

Because of amendments to sections 1018 and 2018 regarding permits for grading and fills, reciprocal language is added to these sections to clarify that even “load bearing” fills up to six inches do not require additional approvals.

Sections 1120 & 2120 – Health and Safety Code sections 18610 and 18872 require HCD to adopt regulations that govern the use, occupancy, and maintenance of parks and to protect the health, safety and general welfare of the residents. Currently sections 1120 and 2120 provide the requirements for a collection system for the safe disposal of rubbish. It was proposed to include the term “refuse” and “leaves” along with rubbish.

Based on comments and further review by HCD, HCD acknowledges that this issue was addressed through previous legislative discussion (AB 862, 1999) and agrees with the commenter that the sections should not be amended. The proposed amendments to these sections will be deleted and the sections will be removed from consideration in this regulatory action.

Sections 1134 & 2134– No Change

Sections 1152 & 2152 – No Change

Sections 1183 & 2183 – No Change

Sections 1185 & 2185 – Health and Safety Code sections 18670 and 18873.3 require HCD to adopt regulations to govern the installation and use of electrical wiring and equipment in parks reasonably necessary for the protection of life and property. The installation of electrical appliances not approved for use in wet locations that are installed outdoors, unprotected from the weather, provides an unreasonable risk of electrical shock.

HCD proposed to only allow electrical appliances and equipment approved for wet locations, or appliances or equipment protected from the weather, to be installed in parks.

A comment from the affected public indicated that the term “protected from the weather” was too vague and could allow multiple interpretations and suggested using the word “enclosed” for clarity. HCD agrees with the suggestion and in response to that comment has amended the sections to indicate “enclosed weatherproof structures”.

Sections 1212 & 2212 – No Change

Sections 1276 & 2276 – No Change

Sections 1319 & 2319 – No Change

Section 1320 – No Change

Section 1330 – No Change

Section 1352 – No Change

Sections 1428 & 2428 – No Change

Sections 1429 & 2429 – No Change

Section 1443 – Health and Safety Code section 18552 requires HCD to adopt regulations governing accessory structures. In accordance with that requirement, accessory buildings such as garages and cabanas must be freestanding structures and not transmit loads to the manufactured home to which they are an accessory. Longstanding provisions in section 1446 of the regulations for cabanas have allowed weather sealing or flashing materials to be attached between the cabana and the manufactured home for weatherproofing.

To provide a consistent application of the regulations, HCD has amended this section to provide the same weatherproofing allowance to garages.

Section 1464 – No Change

Section 1468 – Health and Safety Code section 18552 requires HCD to adopt regulations governing accessory structures. Current regulations prohibit the installation of combustible materials within three feet of a property line and six feet of another combustible structure. Provisions in the referenced California Building Code allow the installation of significantly sized wooden members to be used in lieu of noncombustible construction. HCD has amended section 1428 to allow for this type of construction.

A comment was received suggesting a cross-reference in this section to the amendment in section 1428. HCD concurs with the suggestion and has amended this section to indicate the cross-reference.

Sections 1498 & 2498 – No Change

Section 1514 – No Change

Section 2108 – No Change

Section 2126 – No Change

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF APRIL 8, 2005 THROUGH MAY 23, 2005.

(See Attached "45 Day Comments" Table)

COMMENTS RECEIVED DURING THE PERIOD THE MODIFIED TEXT WAS AVAILABLE TO THE PUBLIC.

The modified text was made available to the public from May 25, 2005 through June 14, 2005. HCD did not receive any comments on the modified text.

ALTERNATIVES DETERMINATION

HCD has determined that no alternative would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.